

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BAHIG F. BISHAY,

Plaintiff,

V.

AMERICAN ARBITRATION ASSOCIATION
and BRIGHTON AVENUE ASSOCIATES,
LLC,

Defendants.

Case No. 05-11771-NMG

AMERICAN ARBITRATION ASSOCIATION’S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), the Defendant, American Arbitration Association (“AAA”), hereby moves to dismiss the Plaintiff’s Complaint as against the AAA.^{1/} The Complaint should be dismissed because this Court lacks subject matter jurisdiction over a suit brought under the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, to vacate an arbitration award where, as here, there is not an independent source of federal jurisdiction. The Complaint should also be dismissed because under the doctrine of arbitral immunity, the AAA is immune from suit by the Plaintiff, a party to an arbitration conducted under its auspices. The Complaint should finally be dismissed because the AAA’s rules, to which the Plaintiff agreed to be bound, expressly state that the AAA cannot be liable for any act arising out of the arbitration and that the AAA is not a necessary or proper party to any lawsuit to vacate an arbitration award.

^{1/}The Plaintiff has filed a nearly identical suit in the Suffolk County Superior Court. The AAA filed a motion to dismiss that action, which, with the exception of the lack of federal jurisdiction grounds, contains the same arguments for dismissal stated herein.

In support of this Motion, the AAA relies upon the Memorandum of Law in Support of American Arbitration Association's Motion to Dismiss, filed herewith.

Respectfully submitted,

AMERICAN ARBITRATION ASSOCIATION

By its attorneys,

s/John M. Simon

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